

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

UNITED STATES OF AMERICA

Plaintiff,

v.

//

CIVIL ACTION NO. 1:13CV119
(Judge Keeley)

RONALD W. PAGE,

Defendant.

v.

GENERAL MOTORS,

Garnishee.

ORDER ADOPTING REPORT AND RECOMMENDATION

The defendant, inmate Robert W. Page ("Page"), objects to and requests a hearing on a Continuing Writ of Garnishment served on General Motors Benefits Service Center ("GM") by the United States of America ("United States"). (Dkt. No. 4). The United States served the Writ to collect on a restitution provision in Page's criminal judgment in Case No. 1:11CR20738-1 in the U.S. District Court for the Eastern District of Michigan. The defendant's motion was transferred to this district on April 8, 2013, and the Court subsequently referred the matter to the United States Magistrate Judge John S. Kaull pursuant to 28 U.S.C. § 636. (Dkt. Nos. 9, 11).

On May 23, 2013, Magistrate Judge Kaull issued an Amended Opinion and Report and Recommendation ("R&R"), in which he recommended that Page's objection and request for a hearing be

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denied. (Dkt. No. 16).¹ The magistrate judge determined that Page had failed to identify any valid basis for a hearing and that, in any event, the government's Continuing Writ of Garnishment was proper. Id.

The R&R also specifically warned Page that his failure to object to the recommendation within fourteen (14) days of service would result in the waiver of any appellate rights he might otherwise have on these issues. Although the record reflects that Page's correctional center accepted service of the amended R&R on May 28, 2013, he has not filed any objections.² Consequently, finding no clear error, the Court:

1. **ADOPTS** the Amended Report and Recommendation in its entirety (dkt. no. 16);
2. **DENIES** Page's objection and request for a hearing (dkt. no. 4); and
3. **ORDERS** that this case be **DISMISSED WITH PREJUDICE** and **STRICKEN** from the docket of this Court.

It is so **ORDERED**.

¹ This amendment corrected a typographical error in the magistrate judge's original R&R, which was filed on May 21, 2013. (Dkt. No. 15).

² The failure to object to the Report and Recommendation not only waives the appellate rights in this matter, but also relieves the Court of any obligation to conduct a de novo review of the issue presented. See Thomas v. Arn, 474 U.S. 140, 148-153 (1985); Wells v. Shriners Hosp., 109 F.3d 198, 199-200 (4th Cir. 1997).

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Pursuant to Fed. R. Civ. P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of both orders to counsel of record and to the pro se petitioner, certified mail, return receipt requested.

Dated: June 14, 2013.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE